THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17803 of 2006

Dated: 28-08-2006

Between:

Smt. Singireddy Lavanya and another.

..... PETITIONERS

AND

The Mandal Revenue Officer, Keesara Mandal,
and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17803 of 2006

ORDER:

This writ petition is filed assailing the proceedings of the first respondent herein, namely, Mandal Revenue Officer(MRO), Keesara Mandal, dated 27-07-2006, whereby and whereunder, MRO directed to register the name of respondents 2 to 4 as pattadars in respect of the land comprised in survey Nos.10, 245, 299 and 501 situated at Rampalli village of Keesara Mandal, Ranga Reddy District.

It is the case of the petitioners that Akula Posetti was the original owner and pattadar of said land. He was issueless and his wife predeceased him. Akula Madhava Rao and Akula Ananda Rao, who are the sons of Akula Venkataramaiah, the younger brother of Akula Posetti, were allegedly looking after Akula Posetti and therefore, he executed a Will dated 05-03-1970 bequeathing the land to both of them and they were enjoying the property which was purchased by the petitioners under registered sale deed dated 15-12-2005. The petitioners also allege that after such purchase, they approached MRO who issued orders on
07-03-2006 mutating their names and granting pattadar passbooks and title deeds.

The learned counsel for the petitioners contends that when the mutation is changed, a notice to the person in occupation is necessary, that the petitioners are in possession of the land by virtue of the sale deed dated 15-12-2005 and therefore, the impugned proceedings dated 27-07-2006, without notice to them, are unsustainable. The learned counsel for the petitioners, however, does not dispute that against every order passed under Section 5(3) or Section 5(4) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act), an appeal would lie to the Revenue Divisional Officer (RDO).

There is no dispute that as to whether MRO would have ordered the amendment of record of rights in favour of respondents 2 to 4 is a question of fact. There is also no dispute that an appeal would lie to the jurisdictional RDO under sub-Section (5) of Section 5 of the Act. In this situation, if this writ petition is entertained, it might cause prejudice besides depriving the parties the remedies under the Act. Therefore, this Court is not inclined to go into the merits of the case at this stage.

Therefore, the writ petition is disposed of giving liberty to the petitioners to file appeal within a period of one week from the date of receipt of a copy of this order before the jurisdictional RDO. As and

when such an appeal is filed, the appellate authority is directed to dispose of the same under Section 5(5) of the Act within a period of six weeks from the date of presentation of the appeal in accordance with law. No costs.

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V.V.S.RAO, J

28th August, 2006
ghn